

FIRST REGULAR SESSION

# SENATE BILL NO. 303

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Read 1st time February 3, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1646S.011

## AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to instant runoff voting.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 115, RSMo, is amended by adding thereto one new  
2 section, to be known as section 115.438, to read as follows:

**115.438. 1. As used in this section, the following terms mean:**

2 **(1) "Continuing ballot", a ballot that has not been exhausted by**  
3 **the instant runoff vote;**

4 **(2) "Continuing candidate", a candidate who has not been**  
5 **eliminated by the instant runoff vote;**

6 **(3) "Exhausted ballot", a ballot upon which all of the choices have**  
7 **been eliminated or upon which no more choices are indicated;**

8 **(4) "Instant runoff vote", a procedure of voting as described in**  
9 **this section that requires a candidate to receive a majority rather than**  
10 **a plurality of the votes cast for a particular office before the candidate**  
11 **takes office, and that allows voters to elect a candidate by casting**  
12 **ranked-choice ballots in the event no candidate for a municipal or**  
13 **political subdivision office receives a majority of the votes cast for such**  
14 **municipal or political subdivision office;**

15 **(5) "Ranked-choice ballot", a ballot that allows voters to vote for**  
16 **candidates and to rank a number of choices in order of preference**  
17 **equal to the total number of candidates for each office in the event an**  
18 **instant runoff vote is required after the votes are first counted under**  
19 **this chapter.**

20 **2. Any municipality or political subdivision may conduct instant**  
21 **runoff voting as established in this section. No candidate for any such**

22 office shall be nominated or certified under this chapter unless such  
23 candidate has received a majority of the votes cast in the election for  
24 such office.

25 3. Ranked-choice ballots may be used for all elections for  
26 municipal and political subdivision office. If the voting system used by  
27 a municipality or political subdivision cannot feasibly accommodate  
28 choices equal to the total number of candidates running for each office,  
29 then the election authorities may limit the number of choices a voter  
30 may rank to no fewer than three. The ballot shall in no way interfere  
31 with a voter's ability to cast a write-in vote for a candidate.

32 4. Votes for all candidates for office shall be counted and  
33 recorded as provided in this chapter, and shall be certified in the  
34 following manner:

35 (1) If a candidate receives a majority of the first choices after the  
36 first count of votes under this chapter, that candidate shall be certified  
37 as the winner;

38 (2) If no candidate receives a majority after the first count, the  
39 candidate who received the fewest first choices shall be eliminated and  
40 each vote cast for that candidate shall be transferred to the next  
41 ranked candidate on that voter's ballot. If, after this transfer of votes,  
42 any candidate has a majority of the votes from the continuing ballots,  
43 that candidate shall be certified as the winner;

44 (3) If no candidate receives a majority of votes from the  
45 continuing ballots after a candidate has been eliminated and such  
46 candidate's votes have been transferred to the next ranked candidate,  
47 the continuing candidate with the fewest votes from the continuing  
48 ballots shall be eliminated. All votes cast for that candidate shall be  
49 transferred to the next ranked continuing candidate on each voter's  
50 ballot. This process of eliminating candidates and transferring of votes  
51 to the next ranked continuing candidates shall be repeated until a  
52 candidate receives a majority of the votes from the continuing ballots;

53 (4) If the total number of votes of the two or more candidates  
54 credited with the lowest number of votes is less than the number of  
55 votes credited to the candidate with the next highest number of votes,  
56 those candidates with the lowest number of votes shall be eliminated  
57 simultaneously and their votes transferred to the next ranked  
58 continuing candidate on each ballot in a single counting operation;

59           **(5) A tie between two or more candidates shall be resolved in**  
60 **accordance with this chapter.**

61           **5. No exhausted ballot shall be counted in further stages of the**  
62 **tabulation. If a ranked-choice ballot gives equal rank to two or more**  
63 **candidates, the ballot shall be declared exhausted when such multiple**  
64 **rankings are reached. If a voter casts a ranked-choice ballot but skips**  
65 **a rank, the voter's vote shall be transferred to that voter's next ranked**  
66 **choice.**

67           **6. Any election dispute regarding the implementation of a limit**  
68 **of the number of candidates on a ballot under subsection 3 of this**  
69 **section shall be first appealed to the secretary of state for a final order,**  
70 **and thereafter may be appealed to any court of competent**  
71 **jurisdiction. All other election disputes shall proceed as established in**  
72 **this chapter.**

73           **7. All statutes and regulations governing voting procedures and**  
74 **ballots under this chapter shall govern instant runoff voting and**  
75 **ranked-choice ballots.**

Bill ✓

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